

# Notice of Allowability

Application No.

10/748,248

Examiner

Said Broome

Applicant(s)

MIYAHARA ET AL.

Art Unit

2628

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed 11/6/06.
2. ☒ The allowed claim(s) is/are 1 and 3-20.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 5/11/06
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 2/14/07
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

**DETAILED ACTION**

***Examiner's Amendment***

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Bradley Lytle on February 14, 2007.

Amend claim 16 as follows:

Claim 16: In line 1 after the word "A" insert the phrase "computer-readable medium having instructions stored thereon that when executed by a processor implements a".

Claim 17: In line 1 after the word "The" delete the word "method" and insert the phrase "computer-readable medium".

Claim 18: In line 1 after the word "The" delete the word "method" and insert the phrase "computer-readable medium".

Claim 19: In line 1 after the word "The" delete the word "method" and insert the phrase "computer-readable medium".

Claim 20: In line 1 after the word "The" delete the word "method" and insert the phrase "computer-readable medium".

*Allowable Subject Matter*

Claims 1 and 3-20 are allowed. The following is an examiner's statement of reasons for allowance:

The prior art, Cosatto et al.(hereinafter "Cosatto(a)", US Patent 6,654,018) in view of Kage(US Patent 6,885,761) do not teach all the limitations of claims 1 and 3-20.

Regarding claims 1 and 8, Cosatto (a) teaches generating image information relating to a subject including the positions of characteristic points of the face in column 3 lines 65-67 and in column 4 lines 1-5. Cosatto (a) also teaches generating a second image, or animated image, of a face or character based on the image information in column 2 lines 3-10 and 25-29. Cosatto (a) also teaches acquiring the utterance or speech from a subject in column 5 lines 21-25. Cosatto (a) also teaches judging whether the image information satisfies a prescribed condition in column 6 lines 6-13, where it is described that the animated image is generated based on checking the predecessor of each image within a frame of the captured video frame to check for clear and precise animation of facial features and phoneme sequences, as described in column 5 lines 65-67 and column 6 lines 1-4. Again, Cosatto (a) fails to teach transmission of the generated image to a communication terminal or device. Kage teaches transmitting the generated animated image to a communication terminal in column 12 lines 43-51, which is illustrated in Figures 16A-D. However, the prior fails to teach when said judgment means judges that said first image information does not satisfy prescribed conditions, said second generation means performs a second process for generating second image information according to the facial expression of the face of said subject based on said utterances, said second process being a different computer-

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implemented process than said first process and does not use information regarding the positions of characteristic points of said face. Therefore claims 1 and 3-15 are allowable.

Regarding claim 16, Cosatto(a) teaches acquiring and storing in memory information of a facial expression of a face of a subject in column 5 lines 26-32. Cosatto(a) also teaches acquiring and storing in memory information of an utterance in column 5 lines 21-25. Cosatto(a) teaches analyzing the information of the facial expression in column 2 lines 19-22 and of the utterance in column 2 lines 10-13. Cosatto(a) teaches generating character image information of a character image based on at least said information of the facial expression according to a first process when the information of the facial expression satisfies predetermined conditions in column 6 lines 4-7, said character image being different than the face of the subject in column 5 lines 33-41. Kage teaches transmitting the character image information in column 12 lines 43-51. However, the prior fails to teach generating the character image information based at least on said information of an utterance using a second process that is different from the first process when the information of the facial expression does not satisfy predetermined conditions, said second process does not use information regarding the positions of characteristic points of the face. Therefore claims 16-20 are allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Said Broome whose telephone number is (571)272-2931. The examiner can normally be reached on 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ulka Chauhan can be reached on (571)272-7782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

S. Broome  
2/14/07 *SB*

  
ULKA CHAUHAN  
SUPERVISORY PATENT EXAMINER